

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112(A) OR (B)

NOTICE OF PUBLIC HEARING

Pursuant To A.R.S. § 49-112(A) or (B)

Pinal County

1. Summary of the proposed rules and rule changes, any of which may be adopted in whole or in part:

- A. One set of proposed changes involves certain provisions challenged in a petition filed by the Arizona Chamber of Commerce under A.R.S. § 49-112. Without conceding the validity of the petition, or any element of the petition, the Board nonetheless proposes to consider amendment or repeal of certain provisions identified in the petition, including:
- The Code § 1-3-140.2 definition of "activity equipment," which may be repealed.
 - The Code § 1-3-140.37 definition of "*de minimis*," which may be repealed.
 - The § 1-3-140.74a definition of "insignificant activity," which may be amended to conform more closely to ADEQ's parallel definition.
 - The § 1-3-140.84 definition of "modify," which may alternatively deleted or amended to limit application to "regulated" pollutants and eliminate any reference to conform to a *de minimis* quantity.
 - The § 1-3-140.12 definition of "petroleum liquid," which may be amended to conform to ADEQ's parallel definition.
 - The § 3-1-040(B)(2)(a)(i) definition of a permit threshold for Class B sources may be changed from the current universal *de minimis* emission rate, to the pollutant-specific "significant" emission rates defined in § 1-3-140.121.
 - The § 3-1-040(B)(2)(b) requirement for a permit to make a modification, not otherwise authorized under the Code, that results in greater than a *de minimis* increase in emissions, may be repealed.
 - The § 5-4-160 opacity standard for abrasive blasting, which may be amended to reflect the universal opacity limitation defined in the Arizona State Implementation Plan, as administered by ADEQ.
 - Code, Chapter 5, Article 17, including §§ 5-17-700 through 5-17-730, constituting emission standards regarding the decontamination of VOC- or petroleum-contaminated soil, may be repealed.
 - The § 5-23-1015 exemption of certain emergency-equipment engines, from the generally applicable emission standards, may be repealed.
 - The § 5-24-1050 default limitation on reduced sulfur emissions in the nonattainment areas of the County may be conditionally repealed, which repeal would be contingent upon EPA approval of the total deletion from the SIP of the SIP-approved predecessor provision or provisions cited in the Chamber's petition.
- B. A 2nd set of proposed changes involves conforming the County's adoption-by-reference of the "new source performance standards" promulgated under § 111 of the Clean Air Act, to mirror ADEQ's latest adoption and revision of those standards. In addition to adopting ADEQ's "latest edition" reference date, the County proposes to adopt the following, which constitute subparts of 40 CFR 60 adopted by ADEQ under A.A.C. R18-2-901.
- Subpart Ea - Municipal Waste Combustors for which Construction is Commenced after December 20, 1989, and on or before September 20, 1994.
 - Subpart Eb - Municipal Waste Combustors for which Construction is Commenced after September 20, 1994.
- C. A 3rd set of proposed changes involves conforming the County's adoption-by-reference of the "NESHAP" standards promulgated under § 112 of the Clean Air Act, to mirror ADEQ's latest adoption of those standards. The only change will involve adopting ADEQ's "latest edition" reference date, pertaining to those subparts of 40 CFR 61 adopted by ADEQ under A.A.C. R18-12-1101(A).
- D. A 4th set of proposed changes involves conforming the County's adoption-by-reference of the "MACT" standards promulgated under § 112 of the Clean Air Act, to mirror ADEQ's latest adoption of those standards. In addition to adopting ADEQ's "latest edition" reference date, the County proposes to adopt the following, which constitute subparts of 40 CFR 63 adopted by ADEQ under A.A.C. R18-2-1101(B):
- Subpart A - General Provisions
 - Subpart D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
 - Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

- Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
 - Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
 - Subpart I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
 - Subpart N - Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
 - Subpart O - Ethylene Oxide Emissions for Sterilization Facilities.
 - Subpart Q - Industrial Process Cooling Towers
 - Subpart R - Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
 - Subpart T - Halogenated Solvent Cleaning
 - Subpart W - Epoxy Resins Production and Non-nylon Polyamides Production
 - Subpart X - Secondary Lead Smelting
 - **Subpart CC - Petroleum Refineries**
 - Subpart EE - Magnetic Tape Manufacturing Operations
 - **Subpart GG - Aerospace Manufacturing and Rework Facilities**
 - **Subpart JJ - Wood Furniture Manufacturing Operations**
- E. A 5th set of changes involves the proposed delisting of certain organic compounds as regulated volatile organic compounds ("VOC's"). The delisting affects acetone, and various other compounds. This proposal is being processed in parallel with a similar revision to ADEQ's rules; the proposed changes will all reflect the EPA's recent redefinition of those compounds which merit regulation as VOCs.
- F. A 6th set of proposed changes involves conforming the county's permit fee structure to mirror ADEQ's fee structure, at least with respect to sources subject to, or deemed subject to, a permit requirement under Title V of the Clean Air Act. As a primary objective, the revisions will universally impose emission-based fees or minimum fees on sources subject to or deemed subject to Title V program or the issuance of a permit under an approved program. Specific Sections that will be considered for modification include:
- § 3-7-575, which generally establishes a transition fee for all sources that have not yet been issued a unitary permit, and which sources continue to rely upon a "grandfathered" operating authority conferred under Laws 1992, Chapter 299, § 65.
 - § 3-7-577, which expands on § 3-7-575 by establishing a specific transition fee for sources subject to, or deemed subject to, a Title V permit requirement, and also defines a phase-in payment schedule.
 - § 3-7-590, which prospectively expands emission-based fees or minimum fees to sources prospectively operating under authority of a unitary permit, which sources are also subject to, or deemed subject to, a Title V permit requirement.
 - § 3-7-591, which imposes emission-based fees or minimum fees upon sources subject to, or deemed subject to, a Title V permit requirement, which sources are currently operating under unitary permit, and defines a phase-in payment schedule.
 - § 3-7-600, which is revised to make clear that sources operating under a Class B permit can still fall subject to permit fees imposed under §§ 3-7-590 or 3-7-591.
 - § 3-7-610, which is revised to clarify that sources deemed subject to a Title V permit requirement, and operating under authority of a general permit, are required to pay the fees defined for Class I general permit.
 - § 3-7-612, which is revised to clarify that sources operating under a Class II general permit, that are deemed subject to a Title V permit requirement, shall pay the fees defined in § 3-7-610.
 - § 3-7-620, which defines the default fee-payment schedule, is revised to make clear that it applies to all fees, and to expressly allow for other rule-specific fee provisions.

2. **A demonstration of the grounds and evidence of compliance with A.R.S. § 49-112(A) or (B):**

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

- A. Initially, the total of the fees and other charges currently assessed in connection with the administration of the county's air quality program do not now equal the cost of program administration. To the extent that both the county and ADEQ impose parallel fees, the county's fees are capped by rule at ADEQ's rates, which implicitly affirms that the county's fees are reasonable.
- B. Based on a review of the operating costs of the Pinal County Air Quality Control District, and any reasonable projection of total of revenues resulting from the fees and other charges that would be assessed under any or all of the rule revisions proposed above, the Control Officer finds that there is no real risk that revenues will exceed the cost of program administration.

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

The continuing fee-cap, defined by ADEQ's fee rates, continues to implicitly assure the reasonableness of the county's fees. Thus, implementation of any or all of the rule changes proposed above will still not violate the fee limitations of either A.R.S. §§ 49-112(A)(3) or 49-112(B).

- C. The changes outlines in 1.A, 1.B, 1.C, 1.D, and 1.E all consist of revisions to conform existing county rules to ADEQ's parallel rules. As such, all of those changes inherently avoid triggering the A.R.S. § 49-112(A) requirement for a demonstration as a precedent to adoption of more stringent or functionally additional rules.
- D. The changes outlined under 1.f consist essentially of the adoption of ADEQ's fee system, at least as it pertains to sources affected by those changes. If those sources would have been regulated by ADEQ all along, they would long since have been paying such fees to ADEQ. Accordingly, neither the imposition of the fees, nor the phase-in of the fees, can be characterized as either "more stringent" or functionally "in addition" to existing ADEQ rule provisions. As a result, the changes described in 1.F avoid triggering any demonstration requirement under A.R.S. § 49-112(A).

3. Name and address of the person to whom persons may address questions or comments:

Name: Donald P. Gabrielson, Director
Address: Pinal County Air Quality Control District
P.O. Box 987
Florence, Arizona
Telephone: (520) 868-6760
Fax: (520) 868-6754

4. Where persons may obtain a full copy of the proposed rule or existing rules:

Name: Pinal County Air Quality Control District
Address: 574 South Central or P.O. Box 987
Florence, Arizona 85232
Telephone: (520) 868-6760
Fax: (520) 868-6754

Note: The District has the proposed revisions, as well as supporting materials, available in hard copy or on disk.

5. Date, time, and location of scheduled public workshops and hearings:

A. Public workshop

Date: May 15, 1996
Time: 1 p.m.
Location: Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Avenue
Florence, Arizona

Nature: Public workshop to explain, discuss, and accept preliminary comment on the proposed changes, as well as to discuss both the outstanding petition filed under A.R.S. § 49-112 and possible responses by the county.

A. Public workshop

Date: June 20, 1996
Time: 2 p.m.
Location: Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Avenue
Florence, Arizona

Nature: Public hearing as an element of the regular meeting of the Pinal County Board of Supervisors to consider formal adoption of some, all, or none of the proposed revisions. Additionally, the Board may also formally adopt 1 or more findings pursuant to A.R.S. 49-112(A).